

**IN THE U.S. DISTRICT COURT FOR MARYLAND,  
SOUTHERN DIVISION**

BEYOND SYSTEMS, INC.	)	
	)	
Plaintiff	)	
v.	)	Case No.PJM 08 cv 0921
	)	
WORLD AVENUE USA, LLC, et al.	)	
Defendants	)	
_____	)	

**DEFENDANT WORLD AVENUE USA, LLC’S MOTION FOR ORDER TO SHOW  
CAUSE WHY PAUL ANDREW WAGNER AND BEYOND SYSTEMS, INC. SHOULD  
NOT BE HELD IN CIVIL CONTEMPT OF COURT**

Defendant, WORLD AVENUE USA, LLC (“WAUSA”), pursuant to 26 U.S.C. §626, hereby files its Motion for Order to Show Cause Why Paul Andrew Wagner (“Wagner”) and Beyond Systems, Inc. (“BSI”) Should Not be Held in Civil Contempt of Court and files its Memorandum of Law in Support thereof, and states:

WAUSA moves to hold BSI and Wagner in civil contempt of Court on the basis of the following:

1. BSI previously issued a subpoena to non-party Tiggee, LLC (d/b/a DNSMadeEasy) (“Tiggee”) resulting in, among other Orders, an April 16, 2010 Court Order limiting the scope of BSI’s discovery from Tiggee to the 41 domain names mentioned in the 70,000 E-Mails at Issue identified by Wagner in a Declaration made under Oath. BSI and Wagner were aware of the April 16, 2010 Order, and indeed strenuously litigated to have it revised. This resulted in a series of additional Orders denying BSI’s requested relief, all of which were clear and unambiguous. BSI and Wagner nevertheless chose to meet with Tiggee and misrepresent to Tiggee what the Orders required, in order to mislead Tiggee into providing

far greater information than the Court had ruled BSI was entitled to have. BSI and Wagner were aware of the Court's April 16, 2010 and subsequent Orders at the time they did this. WAUSA was damaged by these contumacious actions on the part of BSI and Wagner.

2. Likewise, BSI issued a Rule 30(b)(6) subpoena to a non-party affiliate of WAUSA, TheUseful, LLC ("TheUseful") in violation of, amongst other Orders, both the same April 16, 2010 Order limiting the scope of BSI's discovery to the 41 domain name mentioned above, and a June 2, 2010 Court Order limiting the breadth of definitions BSI was entitled to use when defining, for purposes of a subpoena, an entity such as TheUseful. Essentially, BSI defined TheUseful to include all its affiliates and their agents and employees, a practice this Court has previously disallowed. BSI was aware of the relevant Orders, which were clear and unambiguous. BSI nevertheless chose to serve the subpoena containing the proscribed definition on TheUseful. The subpoena was issued from another jurisdiction, the Southern District of Florida, which had no knowledge of this Court's prior rulings. The subpoena was issued on an extremely tight timetable, which forced WAUSA's counsel to enter an appearance for TheUseful on an expedited basis, request expedited relief and incur substantial cost to explain what BSI had done in order to secure interim relief. Once again, as a result of BSI's actions, WAUSA was damaged.

**WHEREFORE,** WORLD AVENUE USA, LLC respectfully requests the entry of an Order requiring BSI and Wagner to show cause why they should not be held in civil contempt of Court, quashing or modifying the Subpoena issued to TheUseful, entering an award of attorneys' fees, costs and all other damages germinating from BSI and Wagner's contumacious behavior, all as more specifically described in the accompanying Memorandum of Law, and request such other and further relief that this Court deems just and proper.

Dated: November 12, 2010.

Respectfully submitted,  
*Attorneys for World Avenue USA, LLC*

GREENBERG TRAURIG, LLP

/s John L. McManus  
Sanford M. Saunders, Jr., Esq.  
USDC, MD #4734  
saunderss@gtlaw.com  
Nicoleta Burlacu, Esq.  
BurlacuN@gtlaw.com  
*Admitted Pro Hac Vice*  
GREENBERG TRAURIG, LLP  
2101 L Street, NW, Suite 1000  
Washington, DC 20037  
Telephone: 202-331-3100  
Facsimile: 202-331-3101

--and--

Kenneth A. Horky, Esq.  
Florida Bar No. 691194  
horkyk@gtlaw.com  
John L. McManus, Esq.  
Florida Bar No. 0119423  
mcmanusj@gtlaw.com  
*Admitted Pro Hac Vice*  
GREENBERG TRAURIG, P.A.  
401 East Las Olas Boulevard, Suite 2000  
Fort Lauderdale, FL 33301  
Telephone: 954-765-0500  
Facsimile: 954-765-1477